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PART III.

Legislative Measures and Rules thereunder.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Order No. J. 847—Legis. 12-2, dated 29th September 1904.

The accompanying Regulation further to amend the Code of Civil Procedure, VI of 1904, which received the assent of His Highness the Maharaja on the 17th day of September 1904, is published for general information.

B. K. VENKATAVARADAIYENGAR,
Secy. to Govt., Gen. & Rev. Dept.

REGULATION No. VI OF 1904.

(PASSED ON THE 17TH DAY OF SEPTEMBER 1904.)

A Regulation further to amend the Code of Civil Procedure as in force in Mysore.

Preamble.

Whereas it is expedient further to amend the Code of Civil Procedure, 1882, as in force in Mysore; His Highness the Maharaja is pleased to enact as follows:—

1. For section 229 of the Code of Civil Procedure, 1882, as introduced by Regulation, II of 1884 and amended by Regulations, II of 1887, VII of 1892 and VI of 1901, the following section shall be substituted, namely:—

"Decrees of certain Courts to be executed in Mysore."

"229. A decree of any Civil or Revenue Court in British India or of any Civil or Revenue Court established by the Governor General of India in Council in the territories of Mysore or in the territories of any Foreign Prince or State, which cannot be executed within the jurisdiction of the Court by which it was made, may be executed in manner herein provided within the jurisdiction of any Civil Court, or of any Revenue Court specially directed by Government in this behalf, in the territories of Mysore."

"Explanation.—An order of the Collector of the Civil and Military Station of Bangalore under sub-section (1) of section 30 of the Indian Income-tax Act II of 1886, as applied to the Civil and Military Station of Bangalore by the Governor General of India in Council, shall be deemed to be a decree of a Civil Court such as is mentioned in this section."

P. N. KRISHNAMURTI,
Dewan of Mysore.

arrears due by the defaulter, as well as towards the deficits, if any, arising from the re-sale or other disposal of the shop or group of shops. The balance of such arrears and deficits, if any, shall be recoverable from the licensee under the rules in force for the recovery of arrears of land revenue. No remission or abatement of the rent or compensation shall, on any account whatever, be claimable by the licensee.

3. Interest at 6 per cent per annum shall be recoverable on all arrears from the date of default, and on deficits from the date of re-sale.

4. The privilege conferred by the license extends only to the sale of arrack ordinarily of the strength of 20° under-proof and with the special permission of the Deputy Commissioner or other officer authorized by him, to the sale of arrack of 30° U. P. In places where there are no shops for the vend of foreign liquors or where the foreign liquor shop-keepers do not undertake to sell double-distilled or rectified country spirits and special liquors such as, Brandy, Whisky, Gin, etc., of such strength as may be fixed by the Excise Commissioner, manufactured at the Government Central Distillery, Bangalore, the holder of Arrack shop license of approved character may, with the sanction of the Excise Commissioner, be permitted to sell the same in duly corked sealed bottles not to be drunk on the premises, at such prices as may be fixed by the Excise Commissioner.

5. The lease shall not be transferable by sale, gift or otherwise or be sub-rented except with the permission of the Excise Commissioner, nor if the Deputy Commissioner so orders, may any agent be appointed for the management of any privilege without his previous approval. All engagements entered into by the agent shall be deposited with the Deputy Commissioner within one month from the date of execution.

6. The resignation of shop or group of shops will be summarily rejected by the Deputy Commissioner.

7. The manufacturers of arrack or double-distilled or rectified country spirits or other special liquors as well as the licensees of arrack Bonded Depots are prohibited from holding any interest in the retail vend of the abovementioned spirits or from employing any person who has such interest.

8. The sale or transport of arrack by persons suffering from leprosy or any contagious disease, and the employment of such persons in the shop are prohibited.

9. The license-holder shall purchase from the Bonded Depots established molasses arrack at $8\frac{1}{2}$ annas per gallon of 20° under-proof, jaggory arrack in duly corked sealed bottles at Rs. 1-6-6, and also special liquors referred to above, at such prices as may be fixed by the manufacturers.

10. The licensee shall sell molasses arrack to the public at Rs. 6-6-0 per gallon of 20° under-proof (*i. e.*, at annas two per dram which is equal to $\frac{1}{64}$ st. part of a gallon) and jaggory arrack at Rs. 1-3-10 per reputed quart bottle and at proportionate rates for lower strengths.

11. The licensee of every shop in the Cities of Bangalore and Mysore shall pay a registration fee under the Municipal Regulations at the rate of Rs. (180) one hundred and eighty per annum in advance for the period of the license for his shop, and he shall pay a surcharge of (4) four annas per gallon on all arrack sold by him in excess of 55 gallons a month in each such shop.

12. The above rates to be charged for molasses arrack, jaggory arrack, double-distilled or rectified country spirits or other special liquors by the manufacturers and the above fees are in addition to Excise duty, which shall be prepaid at the prescribed rate of Rs. 4-12-0 (including local cess) per gallon of 20° U. P. and proportionately for higher or lower strengths, before the removal of the liquor from a Bonded Depot established under the sanction of Government.

13. The licensee shall pay the above duty and price into a Taluk Treasury or to a special Shroff, if any, appointed on this behalf at the cost of Government, and located at the Taluk Cutcherry to receive such duty and price *daily* including Sundays and holidays or to such other officer as may be appointed by the Deputy

NOTIFICATION

No. Fl. 541 A - S. R. 6-02, dated 27th July 1904.

In exercise of the powers conferred by Section 29 of the Mysore Excise Regulation, V of 1901, as amended by Regulation, IV of 1902, and in exercise of all other powers enabling them in this behalf, the Government of His Highness the Maharaja of Mysore hereby make the following amendments in the Arrack Rules published under Notification No. 11387—Ex. F. 3-01, dated 8th January 1902, as amended by Notification No. 661 –Ex. F. 3-01, dated 1st June 1903.

1. In Rule XIX, omit the sentence "The sales shall be conducted by the Deputy Commissioner or an Assistant Commissioner authorized by the Deputy Commissioner in that behalf."

2. Omit Rule XXI [1, 2a to f, 3, 4, 5 (1, 2, 3, 4, 5a, to d, 6c, 8, 9, 10, 11, 12, 13, 14, 15, 17) 6 and 7] and substitute the following :—

XXI. "The Excise Commissioner will, after taking the orders of Government, periodically issue for publication in the *Mysore Gazette* forms of sale notices containing the conditions on which arrack contract is to be sold".

3. For Appendix D, "License for retail sale of arrack," substitute the following :—

A. 52]

APPENDIX D.

LICENSE FOR RETAIL SALE OF ARRACK.

Retail Arrack License to independent Separate Shop or group of Shops.

Register No.

Name of License-holder

Names of Vendors and Shopmen

Locality

I ..... Deputy Commissioner, ... District, do hereby grant a license for the Retail Vend of Arrack manufactured in the Mysore State, to ..... at ..... in the ..... on the following conditions :—

1. The amount for which the privilege has been purchased shall, if it exceeds Rs. 12 per annum, be payable into the local Taluk Treasury in equal monthly instalments commencing from July 190 . But where it does not exceed Rs. 12 per annum, it shall be paid in not more than 3 equal quarterly instalments. Each instalment shall be regarded as the rent for the month or quarter in respect of which it is payable. The licensee is not required to make any additional payment on account of local cess. Each month's or quarter's rent shall be payable on or before the 20th of the same month, or before the end of the quarter for which the instalment is due. If default is made, the Amildar may, with the sanction of the Deputy Commissioner, suspend or declare by record in writing that the license is forfeited, and proceed to re-sell or otherwise dispose of the shop or group of shops as soon after the last day of the month or quarter as may be possible with effect from the date of issue of license to the new purchaser or from the date of other disposal. The officer who has power to suspend license may, however, at his discretion, allow sales to continue pending re-sale or other disposal of the privilege.

Note :—The licensee of a Jatra shop shall pay the rent thereof in full before the Jatra begins.

2. The deposit made by the licensee shall be taken as security for the due performance of the conditions of the license and if not forfeited, credited or otherwise disposed of, shall be credited in payment of the instalments due in the last two months of the period of the lease. Provided, however, that where the shop or group of shops is re-sold or otherwise disposed of, the deposit shall, at the discretion of the Deputy Commissioner, be either forfeited or be appropriated towards the

Commissioner, and shall obtain a receipt in the prescribed printed form. On production of such receipt and an indent for the supply of the liquor covered by the receipt, the Bonded Depot-keeper shall issue the quantity of liquor equal to the amount of duty and price shown in the said receipt which will be forwarded to the Excise Commissioner's office under the endorsement of the Bonded Depot-keeper aforesaid, as to the date and hour when the liquor was issued. The Depot-keeper aforesaid shall issue a pass in the prescribed form for the transport of liquor from the Bonded Depot. He shall also issue sample bottles with the consignments in such manner as may be ordered by the Excise Commissioner.

14. The licensee shall be bound to take over any liquor which may remain as stock in hand belonging to the out-going licensee on 1st July 190 , in the shop, paying him such compensation for the same as may be fixed by the Excise Commissioner.

15. The licensee shall possess or use on any licensed premises only such standard measures as may, from time to time, be prescribed by the Excise Commissioner. The officers authorized to inspect licensed shops are empowered to enter and examine the premises, to test the measures in use and the liquor under sale and to call for and check the accounts kept in the shops.

16. The licensee shall be bound by the provisions of the Excise Laws and Rules in force, and by any additional rules which may, from time to time, be prescribed under the Excise Laws, and if so required, deliver up his license for amendment or issue of a fresh one.

17. The Deputy Commissioner may, whenever he thinks fit, direct shops to be closed, or permit transfer of shops from one place to another, provided the distance is not more than 200 yards, or direct new shops to be opened with the previous sanction of the Excise Commissioner.

18. Persons who purchase group of shops may, with the special permission of the Excise Commissioner, who is at liberty to refuse it, and under a license by a competent authority open a Depot and remove thereto liquor purchased from the Bonded Depot and issue therefrom the requisite supply to their shops.

19. The licensee of shop or group of shops shall not, during the term of the license, have any interest in the exclusive privilege of vending toddy within 5 miles from it, nor permit any person having interest in the exclusive privilege of vending toddy within the said area, to hold any share or interest in his exclusive privilege of selling liquor; nor shall he, during the term of his license, without the written permission of the Excise Commissioner, have any interest, direct or indirect, in any arrack farm in any districts of the Madras or Bombay Presidency under the British Government or any other Foreign State or Territory, or Civil and Military Station, Bangalore.

20. An Inspection note book with the pages numbered consecutively for inspecting officers to enter their remarks shall be maintained and be handed over to the Excise Inspector in charge of the Range or any officer authorized by him to receive it on a receipt being given therefor.

21. If the licensee shall be convicted on prosecution before a Magistrate of any offence against the Excise Regulation, or Opium Act or other law for the time being in force, which, in the Deputy Commissioner's opinion, renders him unfit to hold the license, it shall be lawful for the Deputy Commissioner to declare his license forfeited and sell or otherwise dispose of the privilege at the risk of the licensee.

22. All sums payable by the licensee may be deducted from the amount of his deposit or recovered by attachment and sale of the property of the licensee or his surety, under any law for the time being in force for the recovery of arrears of land revenue.

23. The license-holder or vendor or vendors shall not sell nor give any arrack exceeding one reputed quart to any individual to convey out of any licensed shops or premises without a valid permit.

24. The shop-keepers shall not sell or give any arrack to any European non-commissioned officer, private or soldier, or to any European or Eurasian camp follower, or to any member of the families of any of the aforesaid persons, without the permission in writing of the Commanding Officer or of some person duly authorised by him in that behalf; nor to any European sailor, nor to any sepoy, member of the Police force or Excise staff or servant of a Railway Company, whilst on duty; nor to any European vagrant under escort of Police; nor to any child under twelve years of age; nor to any insane person for consumption on the premises; nor shall they sell any arrack on credit.

25. They (license-holder or vendor or vendors) shall not receive any articles whatsoever in barter or pledge. Payment for arrack shall be received by them in ready money only, and they shall be bound to give intimation of the offer of anything other than cash to the nearest Magistrate or Police Officer. They shall have no pecuniary dealings with any Excise Officer.

26. The arrack kept in his shop, offered for sale and sold shall be unadulterated and undiluted; and it shall be of the same quality and strength as issued from the Bonded Depot. With all consignments from the Depot to the shop, sample bottles shall be taken in such manner as may be ordered by the Excise Commissioner.

27. No consignments of arrack received at the shop, and which have been transported through British Territory, shall be opened before they have been verified by authorized officers.

28. No water or other beverage, or liquor other than arrack of any quantity whatever shall be kept or sold in the shop in which arrack is sold, or on the person or in possession of the license-holder or vendor or any of his employés in the shop. No ingredients noxious to health shall be added to it either to increase its intoxicating power or for any other purpose. All officers authorized to inspect shops and depots are empowered to detain any liquor found unfit for consumption or use and Excise Commissioner, all Deputy Commissioners, Deputy Excise Commissioner and Excise Assistant Commissioners are authorized to destroy such.

29. No robbers or thieves or disorderly or riotous persons or prostitutes or soldiers or others known or believed to be deserters shall be harboured in the shop, and gaming, disorderly conduct, etc., therein shall be prevented, and information of their resort shall be given to the Magistrate or Police Officer. No person shall be harboured during night in any shop.

30. The license-holder shall fix in a conspicuous place outside of his shop a board on which shall be legibly printed in local vernacular his name and the number of his license and the articles he is licensed to deal in and the current rate of sale; the license must be hung up in a conspicuous place within.

31. True account of receipts and issues of liquor shall be maintained from day to day in ink in the prescribed form. The accounts and permits shall be in printed books which may be obtained from local Excise Officers on payment of cost price. Permits for liquor received and the counterfoils of permits issued must be carefully filed. The signing of blank permits for subsequent issue is prohibited. The accounts and counterfoils of permits shall be preserved and delivered to the local Excise Officer immediately after the close of the lease. They shall be produced when asked for by the Deputy Commissioner or any Officer appointed by him or by an Excise Officer not below the rank of Excise Assistant Inspector. The licensee shall be bound to furnish such returns and information as may, from time to time, be required by the Deputy Commissioner or Excise Officer not below the rank of Excise Assistant Inspector.

32. The amount of fees payable for the shops under Condition II above, shall, in the Towns of Bangalore and Mysore, be paid to the Officers appointed by the President, Municipal Commission, to receive the same.

33. The following stock or such stock as the Excise Divisional Officer may consider sufficient to meet local requirements shall always remain on hand and not, be trenched upon :—

	Arrack.	Remarks.
I. At all District Head-quarters	2 Gallons.	
II. At all Taluk and Depot Kasbas	1 Gallon	
III. Village shops within 5 miles from Depot ...	½ Gallon	
IV. Village shops more than 5 miles distant from Depot ...	Stock equal to one day's sale for every 10 miles from Depot and not less than the stock fixed for shops within 5 miles of the Depot.	

The shop shall be kept open during the authorized hours unless its temporary or permanent closure is authorized by the Deputy Commissioner.

34. The shop shall be closed by 9 P.M.; and not be opened before sunrise except on special permit in cases of festivals, etc. The Deputy Commissioner or Assistant Commissioner in charge of the taluk may direct that all shops for the sale of arrack on or adjacent to the line of march shall be closed whilst a detachment of European or Native soldiers is passing or encamped in the vicinity. The Government reserves the power to terminate the lease on public grounds on giving the licensee 15 days' notice and awarding a reasonable compensation to the licensee. The licensee will have no claim to compensation or remission on account of any arrangements which may be made by Government in regard to Country Beer or other description of liquor than arrack.

35. The sales should be conducted in a suitable building which shall have only one door, and no windows shall be allowed to the rear or ends of the building. The bar where the liquor is sold shall be opposite the entrance door and so situated that all persons inside can be seen by any one passing to and fro in the street, and no second room shall be allowed to or be kept open for customers.

36. The right is reserved to the Deputy Commissioner to grant occasional licenses for the sale of liquor on the occurrence of fairs, festivals, etc., in places in the vicinity of which there are no regularly licensed shops. Such licenses shall ordinarily be granted to the shop-keepers who usually supply the locality. Their period shall not exceed 15 days and the fee to be paid therefor shall be fixed at the Deputy Commissioner's discretion unless he decides to sell the same by public auction.

37. If it comes to the licensee's knowledge that any person employed by him in the carriage or sale of arrack, commits any breach of the Excise Laws or of the engagements entered into by him, it shall be his duty to report the matter to the Deputy Commissioner, and comply with the directions of the Deputy Commissioner respecting the continued employment of such person.

38. No person who has been convicted of a heinous offence under the Indian Penal Code shall be employed in the carriage or sale of liquor without the Deputy Commissioner's previous permission.

39. In case of any breach of the above conditions either by the licensee or, with his connivance and privity, by any person in his employment, or in the event of the licensee neglecting to open his shop, or to carry on the business of his shop with due care and attention, it shall be competent to the Deputy Commissioner to impose upon the licensee a fine not exceeding Rs. 50 for every such breach or for such neglect, or, at the option of the Deputy Commissioner, to declare the money deposited with him forfeited, and to cancel the license and re-sell the shop or to otherwise dispose of it at the risk of the licensee, or to place the shop under the management of Government; and all loss thereby caused, together with all losses

accruing to Government in consequence of the licensee's neglect to carry on his business with due care and attention and by opening his shop on 1st July 190 , shall be made good by him. When a shop is cancelled, the rent for the whole period of the shop shall become due at once. All such amounts of penalties and losses shall be recovered in the same manner as if they were arrears of land revenue.

40. The imposition of a fine or the forfeiture of deposit or the cancellation of the license under the last preceding para, shall not be held to prevent the prosecution of the licensee or his agents or employes for any offence punishable under the Excise Laws or other Law for the time being in force.

NOTE.—For continuing breaches of a license, continuing fines may be imposed.

41. This license shall continue in force till the.....
190 , and no longer.

Dated

Schedule showing the boundaries of the shop.

Street and Door No. or other particulars	Bounded on the—				Remarks
	North by	East by	South by	West by	

Received from..... the sum of Rupees (180) one hundred and eighty only on account of Registration fee for opening the shop in accordance with the above license from..... to.....190

President, Municipal Commission,
Town of

Registered as No.....in the Police office.

Dated

Dt. Supt. of Police.

Impress Stamp

Deputy Commissioner,
District

COUNTERPART ENGAGEMENT.

We the undersigned, the above named license-holder and vendor or vendors for ourselves and our heirs, legal representatives and assigns, hereby agree to all the terms and conditions written, printed and expressed in the above license. I, the undersigned license-holder bind myself and my property specified in the margin hereof for the due fulfilment of the terms of my contract.

Signed, sealed and delivered in our presence, at the .....
Amildar's Cutcherry, this.....day of .....190 .

Witnesses—

1
2
3

License-holder and Vendor.

By order,
B. K. VENKATAVARADAIYENGAR,
Offg. Secy. to Govt., Gen. & Rev. Dept.

NOTIFICATION.

No. 541 B—S. R. 6-02, dated 27th July 1904.

In exercise of the powers conferred by Section 29 of the Mysore Excise Regulation, V of 1901, as amended by Regulation, IV of 1902, and in exercise of all other powers enabling them in this behalf, the Government of His Highness the Maharaja of Mysore hereby make the following amendment in the Toddy Rules published under Notification No. 11791—Ex. F. 3-01, dated 17th January 1902, and amended by Notification No. 680a—Ex. F. 1-96, dated 10th June 1903:—

I. Omit Rules II and IV 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17 (I), 21, 22, 23 and 24 and insert the following Rule:—

II. The Excise Commissioner will, after taking the orders of Government, periodically issue for publication in the *Mysore Gazette* forms of sale notices containing the conditions on which toddy contract is to be sold.

2. Omit Rules V, VI and VII in Part II.

3. Substitute the following form of retail license for form "A.":—

T 1] MYSORE EXCISE DEPARTMENT.

A.

RETAIL LICENSE GRANTED TO INDEPENDENT TODDY SHOP OR GROUP OF SHOPS IN THE DISTRICT OF.....

Register No.....

Name of License-holder.....

Name of Vendor or Shopman.....

Locality.....

I,....., Deputy Commissioner of the District of....., under the provisions of the Excise Regulation, V of 1901, hereby appoint you,.....
....., son of.....
residing at.....
to be the Licensee of the exclusive privilege of vending Toddy in the shop or group of shops of.....in the Taluk of.....
in the District of.....from the 1st day of.....190...
to the .....day of.....190...subject to the following conditions and stipulations to be observed by you, the said.....

CONDITIONS AND STIPULATIONS.

1. The exclusive privilege conferred by the license extends to the sale of Date, Palmyra, Cocoanut, Bagani and Dadasal toddy. But in tracts where both Date and Bagani toddy shops exist, the licensee of the Date Toddy shop shall not tap Bagani trees, and the licensee of the Bagani Toddy shop shall not tap Date trees, but both licensees can tap any of the other palm trees named above.

2. The Deputy Commissioner shall be at liberty to issue license for the sale of foreign liquors, for the manufacture and sale of country beer, and for the manufacture and sale of arrack and other country spirits.

3. The amount of rent shall be payable into the local Government Treasuries on printed chellans furnished for the purpose by Government, in equal monthly instalments commencing from 1st July, 190 . No amount shall be paid to or received by the Excise Officers. In the malnad and semi-malnad taluks, the Deputy Commissioner may permit patels of villages who are not themselves licensees to receive payments not exceeding Rs. 50 from any individual at a time. But, if the amount of annual rent for any shop does not exceed Rs. 12, the whole of it shall be paid in not more than three quarterly instalments. Each instalment shall be regarded as the rent for the month or quarter in respect of which it is payable. The licensee is not required to make any additional payment on account of local cess. Each month's or quarter's rent shall be payable on or before the 20th of the same month or before the end of the quarter. If default is made, the Amildar may, with the sanction of the Deputy Commissioner, by record in writing, suspend or cancel the license, order the forfeiture of all deposits made by the defaulter, and proceed to re-sell or otherwise dispose of the shop or group of shops at the defaulter's risk (as soon after the last day of the month or quarter as may be possible), with effect from date of issue of license to the new purchaser, or from the date of other disposal. Provided, however, that instead of re-selling the same as above, the Deputy Commissioner may, in his discretion, direct the Amildar to issue licenses to sub-vendors or vendors under the defaulting licensee for rents, the aggregate of which is not less than the rent the defaulting licensee had agreed to pay. The officer who has power to suspend the license may, however, at his discretion, allow sales to continue pending re-sale or other disposal of the privilege.

NOTE.—The licensee of a Jatra shop shall pay the rent thereof in full before the Jatra begins.

4. For the supply of toddy to his shops the licensee shall have the privilege of obtaining, subject to tree-tax rules, toddy-yielding trees in the groves assigned to his shops or groups of shops, and he shall be at liberty to manufacture toddy from the trees in private lands, under private arrangements between himself and the owners of such lands. He may purchase toddy from any licensed toddy shop-keeper on application to the Inspector, who will grant the required permits on proof of the necessity for the same. No toddy except the produce of trees marked by a proper officer and tapped under a license shall be kept in the shop or offered for sale or sold.

5. For all toddy-yielding trees, tree-tapping licenses shall be annual. For the convenience of the licensee, the applications for tree-tapping licenses will be received, trees will be marked, and licenses will be issued during the fifteen days and pots may be attached to such marked trees during the five days immediately preceding the period to which they relate to take effect from the commencement of such period. Provided that no toddy shall be removed from the trees except during the currency of such license.

6. Persons applying for the issue of tree-tapping licenses will be responsible to Government for all sums payable as tree-tax on account of the trees licensed therein to be tapped and also for tree-rent in the case of trees on Government unoccupied lands and also for local cess thereon.

(b) On receipt of an application, the Inspector will at once take steps for the marking of the tree by an officer superior in rank to a Sub-Inspector, and for the timely issue of the license. Applicants for date trees shall get the requisite spaces on their stems prepared and point out to the marking officer, when required by the

latter to do so, the trees applied for by them. Should they fail to do so after reasonable notice, the tree-tax and tree-rent paid by them shall be liable to be forfeited at the Deputy Commissioner's discretion.

7. No tree shall be tapped, nor shall toddy be drawn from any toddy tree, nor shall any pot be attached to any toddy tree until the tree has been marked by the proper officer. But the removal of leaves for the purpose of making incisions and the preparation of the spathes or incisions for the drawing of toddy is permitted as soon as the application in the prescribed form has been delivered to the Treasury concerned.

8. (1) No tree shall be tapped for toddy without a license therefor to be obtained by payment of tree-tax at the following rates:—

Description of trees.	Rates of tree-tax including local cess per tree per annum. Rs. a. p.
Date	1 1 0
Cocoanut	2 2 0
Palmyra	1 9 6
Bagani or sago	1 9 6
Dadasal (Arenga wightii)	0 8 6

NOTE.—The licenses will be free of tax to the Mysore Government in the cases specified in clause 15 (1) (b) below.

(2) In addition to the above tax tree-rent at annas 4 per tree per annum with local cess at 3 pies thereon shall be paid for all Government trees applied for being tapped for the supply of toddy shops whether within or outside the Mysore territories or in the Civil and Military Station of Bangalore.

NOTE.—No trees upon Government occupied land can be tapped without the consent of the owner. The present arrangement as regards trees on alienated land will hold good subject, of course, to the levy by Government of tree-tax.

9. The tree-tax shall be payable in the following instalments, unless the Excise Commissioner shall otherwise direct:—

Period within which license is applied for	Proportion of tree-tax to be paid at the time of application for license	Proportion of tree-tax to be paid on the first of the 3rd month
Between 1st July 190 and 30th April 190	One-third	The remaining two-thirds.
Between 1st May 190 and 30th June 190	The whole	

10. (a) The tree-rent together with the local cess on tree-rent and also the local cess on the tree-tax for trees applied for shall be payable in full at the time of application for tapping license.

(b) If any instalments are not paid within the time, the license shall be liable to be cancelled or suspended under Section 26 of the Excise Regulation.

(c) When the licensee makes default and his shop is re-sold, his rights to and claim on, Government trees cease and determine.

(d) In case of default, the Amildar with the Deputy Commissioner's permission will order the suspension of the tapping license till the arrears are paid up and if, after receiving notice of such suspension, the defaulter continue to tap the trees, he will be prosecuted for illicit tapping.

11. The deposit made by the licensee will be taken as security for the due performance of the conditions of the license and if not forfeited or credited or otherwise disposed of shall be taken in payment of the instalment due in the last months or month of the period of the license. All arrears and deficits payable by the licensee shall, with interest at 6 per cent per annum, be recoverable from him or his surety

under the rules in force for the recovery of land revenue. Interest shall be calculated on all arrears from the date of default and on deficits from the date of re-sale or disposal otherwise. No remission or abatement of the rent of compensation shall, on any account whatever, be claimable by the licensee, nor will he be entitled to any compensation for any trees withdrawn or taken for the public purpose.

12. If the Deputy Commissioner does not confirm the re-sale, he may make such other arrangements as may appear advisable for the remainder of the period of the lease, in which case he shall serve a notice on the defaulting licensee informing him of the nature of the arrangements made.

13. If the licensee of a group of shops wishes to establish a depot for depositing toddy required for distribution to his shops, he shall obtain a license for it in the prescribed form. The passes issued with the toddy transported, shall be subject to examination and check by the officers authorized in this behalf.

14. The tree-tax on toddy produced by trees in the Madras Presidency but consumed in the Mysore State, will be credited to the Mysore Government. The rate of tree-tax to be paid in such cases will invariably be the highest in force on either side of the frontier. Tree-tax on trees in the Madras Presidency for which tapping licenses are about to be taken out by Mysore shop-keepers, must be paid in one instalment to the Amildar of the Taluk concerned in the Mysore State, who will grant a receipt in the prescribed chellan form and certify at the foot that the applicant is a person entitled to take out tree-tapping licenses. The applicant will then make his application to British authorities in accordance with the Madras Government Tree-tapping Rules, and will obtain a transport permit from the Inspector concerned in the Mysore State for the transport of the toddy drawn from the frontier to the shop or depot for which it is intended, after having complied with all requirements of the Madras Government Rules.

15. (1) Tree-tapping licenses in the prescribed form shall be issued on the application :—

(a) of licensed toddy shop-keepers or of their duly authorized agents,

(b) of tree-owners in coffee estates, hittals and kans in the malnad free of the prescribed tree-tax for drawing toddy for *bona fide* domestic purposes as per Government Order No. 11897-906—Excise 485, dated 20th June 1898, for such number of trees as may be found necessary by the Excise Commissioner.

The licenses may be issued in the name of the applicant himself or of his nominees.

16. Applications for the grant of tree-tapping licenses must be made in the prescribed form to the Excise Inspector of the Range concerned through the local Treasury. Forms may be obtained from him or the Assistant Inspectors under him.

17. Applications for tree-tapping licenses, for trees in occupied or alienated lands, should be countersigned by the owner of the trees intended to be marked, in token of his consent. Applications for tree-tapping licenses for trees in State Forests and Plantations should be countersigned by the Forest Range Officer in token of his consent.

18. Deputy Commissioners may, subject to the orders of the Excise Commissioner from time to time, prescribe the minimum number of trees for which license will be granted, and the minimum number to be entered in a single application. They may also direct that the trees situated in one village only shall be included in an application.

19. Every person to whom a tapping license is granted for the manufacture of toddy shall observe the following rules in tapping date trees :—

a) Date trees shall be tapped only by professional men.

(b) Trees tapped one year shall not ordinarily be tapped the next year.

(c) Trees shall not be over-tapped or over-worked.

(d) In no date trees shall the initial incision be made at any point less than 3 feet from the ground except in places where permission is specially given by the Excise Commissioner.

(e) The depth and width of the incision shall not exceed one-third of the diameter of the tree and the length of it shall not exceed eight inches.

(f) Every fresh incision shall not be less than one foot above the last incision except in localities where permission is specially given.

(g) The central spike-like clusters shall not be touched. Of the lateral leaves not less than two layers of leaves shall be left, reckoning from the layers immediately next to the central clusters down to the top line of the incision; or in other words, above the top line of the incision not less than eight leaves shall be left excluding the central spike-like clusters, on that face of the tree on which the incision is made.

(h) The licensee shall not cut or injure or permit to be cut or injured the trees licensed to him or any other trees.

(i) The licensee or his employer will be liable to pay a fine of one rupee for each tree in excess of three per cent of the number of trees marked for him which may die from over-tapping or careless tapping either during the lease or within six months after its expiration.

20. The licensee shall not interfere with the licensees for cutting date leaves for mat-making, rope-making, basket-making, or for agricultural or other purposes, when they make use of the trees assigned for such purposes, and not reserved for tapping.

21. The licensee of the depot or shop or group of shops will be required to keep true account of the receipts and issues of toddy from day to day in ink in the prescribed form. The accounts and permits shall be in printed books which may be obtained from the local Excise Officer on payment of cost price. Permits for toddy received and the counterfoils of permits issued must be carefully filed. The signing of blank permits for subsequent issue is prohibited. The accounts and counterfoils of permits shall be preserved and delivered to the local Excise Officer immediately after the close of the lease. They shall be produced when asked for by the Deputy Commissioner or any officer appointed by him or by an Excise Officer not below the rank of an Excise Assistant Inspector. Such returns and information as may be required by the Deputy Commissioner or Excise Officer not below the rank of an Excise Assistant Inspector shall be furnished by holders of licenses without delay.

22. The sales must be conducted in a suitable building which shall have only one door, and no windows or other opening shall be allowed to the rear or at the ends of the building. The bar at which toddy is sold shall be opposite the entrance door and so situated that all persons inside can be seen by any one passing to and fro in the street, and no second room shall be used for the sale of toddy, or be kept open for customers.

23. Toddy shall not be sold except in shops duly licensed by the Deputy Commissioner, in the prescribed form and no new shops shall be opened without the previous sanction of the Excise Commissioner. Tree-foot sales or sales in the open, or the disposal of toddy in any other manner unauthorized by the rules, are strictly prohibited. Provided, however, that in Bagani tracts, the licensee who has purchased the right of vend of Bagani toddy, may permit the tapping of Bagani trees for domestic consumption as well as for sale, within the limits of the village purchased by him.

24. The Deputy Commissioner may, whenever he thinks fit, direct shops to be closed or permit transfers of shops from one place to another within two hundred yards of the sanctioned site. A sufficient supply of toddy shall be maintained in all sanctioned shops, the quantity being such as may be fixed by the Excise Divisional Officer.

25. The licensee shall place the license granted to him in a conspicuous place in the shops.

26. The right is reserved to the Deputy Commissioner to grant occasional licenses for the sale of toddy on the occurrence of fairs, festivals, etc., in places in

the vicinity of which, there are no regularly licensed shops. Such licenses shall ordinarily be granted to shop-keepers, who usually supply the locality. Their period shall not exceed 15 days and the fee to be paid therefor shall be fixed at the Deputy Commissioner's discretion unless he decides to sell the same by public auction.

27. A signboard shall be affixed in a conspicuous part of the front of each shop containing in the local vernacular, the name of the shop-keeper, number of his license and the rate at which toddy is sold by him. The sale or transport of toddy by persons suffering from leprosy or any contagious disease and the employment of such persons in the shop, are prohibited.

28. The licensee shall prevent all drunkenness or disorder or gaming within his shops.

29. No shop shall be opened before sunrise or kept open after 9 P.M., except under special authority. The shop shall be kept open during the authorized hours, unless its temporary or permanent closure is authorized by the Deputy Commissioner.

30. The licensee shall not harbour robbers or thieves or disorderly or riotous persons or prostitutes or soldiers or others known or believed to be deserters. No person shall be harboured in any shop during the night, but, on the contrary, the licensee shall give intimation to the nearest Magistrate or Police officer as to any such persons who may resort to his shops.

31. The licensee shall not receive any grain, jewels, goods, wearing apparel, or other article in barter or in pawn for toddy, but on the offer of any such, shall give information to the nearest Magistrate or Police officer.

32. The licensee, vendor, or vendors shall not sell to any person more than three measuring seers of toddy to be consumed by the person at one time in the shop. He shall not allow any one to take out of his shop without a pass more than two seers or imperial quarts, with the exception of bakers who are permitted to purchase and remove the quantity of toddy specified in the pass held by them. Toddy can be removed upon passes for consumption up to the limit of one imperial gallon or four seers.

33. The distillation of spirit from toddy is absolutely prohibited.

34. Toddy shall be sold pure as drawn from trees, and shall not be adulterated or diluted in any manner in the shops, or depots if any. No ingredient noxious to health shall be put into the toddy either to increase its intoxicating power or for any other purpose. All officers authorized to inspect shops and depots are authorized to detain any liquor found unfit for consumption or use and Excise Commissioner, all Deputy Commissioners and Deputy Excise Commissioner and Excise Assistant Commissioners are empowered to destroy such.

35. Toddy shall not be sold to the public at less than the retail rates fixed by Government as per particulars below:—

	Price per seer or imperial quart														
	Date Toddy			Cocoanut Toddy			Palmyra Toddy			Bagani Toddy			Dadasal Toddy		
	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a	p.
District Head-quarters															
In Taluk Kasabas of the District ...															
In villages															

36. The licensee shall possess or use on any licensed premises only such standard measures of capacity as may, from time to time, be prescribed by the Excise Commissioner. The officers authorized to inspect licensed shops, are empowered to

enter and examine the premises to test measures in use and the toddy under sale and to call for and check accounts in the shop.

37. The licensee shall have such measures tested and stamped at his own expense.

38. No toddy shall be sold or given to any European Non-Commissioned Officer, private soldier, or to any European or Eurasian camp follower, or to any member of the families of any of the aforesaid persons, without the permission, in writing, of the Commanding Officer, or of some person duly authorized by him in this behalf; nor to any European or Eurasian sailor, nor to any sepoy, member of the Police Force, Excise Officer, or a servant of a Railway Company whilst on duty; nor to any European vagrant under escort of the Police; nor to any child under twelve years of age, nor to any insane person for consumption on the premises; nor shall any toddy be sold *on credit*.

39. The Deputy Commissioner or Assistant Commissioner in charge of the Taluk may direct that all shops for the sale of toddy on, or adjacent to, the line of march shall be closed whilst a regiment or detachment of European or Native soldiers is passing or encamped in the vicinity. Such soldiers may be supplied with toddy by such persons as the Government may select for the purpose, notwithstanding the licensee's exclusive privilege.

40. The Government reserves the power to terminate the lease on public grounds, on giving the licensee 15 days' notice and awarding a reasonable compensation to the licensee. The licensee will have no claim to compensation or remission on account of any arrangements which may be made by Government in regard to country beer or other description of liquor than toddy.

41. The license shall not be transferable by sale, gift or otherwise or be sub-rented except with the permission of the Excise Commissioner. Resignation of shops in whole or in part will be summarily rejected by the Deputy Commissioner.

42. No person shall be appointed by the licensee for the management of any such privilege without the Deputy Commissioner's previous approval.

43. All engagements entered into by agent, shall be deposited with the Deputy Commissioner within one month from the date of execution.

44. If it comes to the licensee's knowledge that any person employed by him in the manufacture, carriage or sale of toddy commits any breach of the Excise Law or of the engagements entered into by him, it shall be the licensee's duty to report the matter to the Deputy Commissioner, and to comply with the directions of the Deputy Commissioner respecting the further employment of such person.

45. The licensee of shop or group of shops shall not, during the term of the license, have any interest in the exclusive privilege of vending arrack within 5 miles from it nor permit any person having interest in the exclusive privilege of vending arrack within the said area of 5 miles to hold any share or interest in his exclusive privilege of selling toddy; nor shall he, during the term of his license, without the written permission of the Excise Commissioner, have any interest, direct or indirect, in any toddy shop or farm outside the territories of Mysore, or in the Civil and Military Station of Bangalore.

46. The licensee shall provide himself with printed forms of permits for transport and possession of toddy. Such permits shall be in the form prescribed by the Excise Commissioner, and shall be purchased from local Excise officers. He shall have no other pecuniary dealings with any Excise officer.

47. The licensee shall pay the usual mohatarfa tax on carts used for conveying toddy, but such carts shall not be impressed for Government work.

48. In case of any breach of the aforesaid Rules or of the conditions of the license either by the licensee or with his connivance or privity, by any person in his employment, or in the case of the licensee neglecting to open his shops on 1st July or to carry on his business with due care and attention, it shall be competent to the Deputy Commissioner to impose upon the licensee a fine not exceeding the sum of Rs. 50 for every such breach or neglect, or at the option of the Deputy Commissioner to declare the money deposited with him forfeited, and to cancel the license, and to re-sell the exclusive privilege or otherwise dispose of it at the risk of the

licensee, or to place under the management of Government. When a license is cancelled, the rent for the whole period of the license shall become due at once; and all loss caused to Government by the cancelment of the license or by the re-sale or other disposal of the privilege shall be made good by the licensee, or his surety in the manner specified in Condition 54. All sums due shall be recovered in the same manner as if they were arrears of land revenue.

49. An Inspection note-book with the pages numbered consecutively for inspecting officers to enter their remarks, shall be maintained and be handed over to the Excise Inspector in charge of the Range or any officer authorized by him to receive it on a receipt being given therefor.

50. The imposition of a fine, or the forfeiture of a deposit, or the cancellation of the license under the last preceding condition, shall not be held to prevent the prosecution of the licensee or his agents or employés for any offence punishable under the law for the time being in force.

NOTE.—For continuing breaches of a license, continuing fines may be imposed.

51. No person who has been convicted of any heinous offence under the Indian Penal Code shall be employed in the carriage or sale of liquor without the Deputy Commissioner's previous permission.

52. If the licensee shall be convicted on prosecution before a Magistrate of any offence against the Excise Regulation or Opium Act or other law for the time being in force, which, in the Deputy Commissioner's opinion, renders him unfit to hold the license, it shall be lawful for the Deputy Commissioner to declare his license forfeited or sell or otherwise dispose of the privilege at the risk of the licensee.

53. All sums payable by the licensee may be deducted from the amount of his deposit, or recovered by attachment and sale of the property of the licensee or his surety, under any law for the time being in force for the recovery of arrears of land revenue.

54. The licensee shall be bound by the provisions of the Excise Laws and Rules thereunder for the time being in force and by the terms and conditions of the license. The licensee shall, on requisition by the Deputy Commissioner or other Officer duly authorized by him, deliver up his license for amendment or for the issue of a fresh license accordingly.

55. In every grove where toddy-yielding trees are tapped, a ladder shall always be kept by the tap-men to enable Excise officers to examine incisions or spathes, as the case may be, or to measure the incisions.

Dated.....day of.....190 .

Deputy Commissioner,
District.

Schedule showing the boundaries of the shop.

Street and Door No. or other particulars	Bounded on the---				Remarks
	North by	East by	South by	West by	

Schedule of the Date Groves assigned to the above shop or group of shops.

Name of the taluk	Names of the villages in which the groves are situated	Revenue Survey Nos. or other Nos.	Name of the groves	Number of trees in each grove	Remarks

COUNTERPART AGREEMENT TO BE EXECUTED BY THE LICENSEE OF INDEPENDENT TODDY SHOP OR GROUP OF SHOPS.

I.....

residing at.....

having been licensed by the Deputy Commissioner of..... .....

District to sell toddy in the shop or group of shops at.....

in the taluk of .....from.....day of.....190..,

to..... day of.....190..., do for myself, my heirs, my legal representatives and assigns, hereby agree with the said Deputy Commissioner, that I will well and truly observe and perform the conditions and stipulations contained in the License No..... dated the.....day of.....190....., issued to me by the said Deputy Commissioner; and bind myself and my property specified in the margin hereof for the due fulfilment of the terms of my contract.

Dated the .....day of..... .....190....

Witnesses—

1

2

Signature.

By Order,

B. K. VENKATAVARADAIYENGAR,

Offg. Secy. to Govt., Gen. & Rev. Dept.

NOTIFICATION.

No. 551 A—S. R. 6-02.

In exercise of the powers conferred by Section 29 of the Mysore Excise Regulation, V of 1901, as amended by Regulation, IV of 1902; and in exercise of all other powers enabling them in this behalf, the Government of His Highness the Maharaja of Mysore hereby make the following addition to the License (Appendix R) granted to persons placed in charge of Bonded Depots under arrack carrying contractor appointed by Government.

"16. You should always maintain such minimum stock as may from time to time be fixed by the Excise Commissioner."

By Order,

B. K. VENKATAVARADAIYENGAR,

Offg. Secy. to Govt., Gen. and Rev. Dept.

NOTIFICATION.

No. (3188)-42-2—*L. B., dated* 14—19*th October* 1904.

The Government of His Highness the Maharaja of Mysore are pleased to direct that para 8 of the Rules framed under the Mysore Local Boards Regulation and published with Notification No. 30—Leg. 4-03, dated the 9th September 1903, as amended by Notification No. 2153—L. F. 66-03, dated the 7th December 1903, be further modified as follows :—

1. The words "not less than" shall be prefixed to the expression "30 members" and "25 members" occurring in Rule 8 as amended by Notification No. 2153—L. F. 66-03, dated the 7th December 1903, and the following addition made to clause (*c*) shall be omitted;

"and in the case of the Mysore District, also the Chief or Senior Officer for the French Rocks Sub-Division in the Engineering Department."

The Rule 8, as altered, will stand as follows :—

"The District Board for the Mysore District shall consist of not less than 30 members and every other District Board shall consist of not less than 25 members made up as follows :—"

Ex-officio.

Deputy Commissioner	1
Assistant do	5
Civil Surgeon	1
Executive Engineer	1
Deputy Inspector of Schools	1
	9
(d) Taluk representatives	14
(e) Other representatives	7
At present there are only 6.	
	30

Ex-Officio Members.

(*a*) The Deputy Commissioner, to be the President of the District Board.

(*b*) All Assistant Commissioners in Revenue charge of Taluks in the District; as well as the Assistant Commissioner, if any, at District Head-quarters not placed in Revenue charge of a Taluk;

(*c*) The Chief or Senior Officer for the District in each of the Departments of Medical Relief, Engineering, and Education (Inspection of schools);

Other Members.

(*d*) One non-official representative from each of the Taluks in the District, who shall, on the first occasion under these Rules, be appointed by Government on the recommendation of the Deputy Commissioner, and thereafter be elected by the members of the Taluk Board from among their own body, or, in default of election, appointed by Government as aforesaid.

(*e*) The remainder to be appointed by the Government on the recommendation of the Deputy Commissioner and drawn as far as possible from interests or communities in the District not already sufficiently represented and which it may be desirable to represent on the Board.

Notification No. J. 952—*Legis., dated* 15*th October* 1904.

In exercise of the powers conferred by the Mysore Game and Fish Preservation Regulation, II of 1901, the Government of His Highness the Maharaja are pleased to direct that the following proviso be added to the second paragraph of Rule 10 of the Game Rules published with Notification No. 9007—Legis. 56, dated the 11th December 1901, as amended by Notification No. 1677—J. 153, dated the 28th July 1902 :—

"Provided that nothing in this paragraph applies to a State Forest or other Forest or land at the disposal of Government constituted as a Game Preserve by a Notification in this behalf."

No. J. 1005—*Regist.* 17-3, *dated* 22*nd October* 1904.

The following rules, framed under the provisions of Section 8 of the Mysore Registration Regulation, I of 1903, and approved by the Government of His Highness the Maharaja of Mysore, are published for general information :—

1. All Revenue Assistant Commissioners in charge of Divisions of Districts are appointed *ex-officio* Inspectors of Registration offices within their respective Divisions. The Treasury Assistant Commissioner of the District for the time being, is appointed *ex-officio* Inspector of Registration offices in the Taluks under the direct charge of the Deputy Commissioner.

2. It shall be the duty of these officers to inspect all the Sub-Registry offices in their respective Divisions. Copies of entries in Indexes, which, Sub-Registrars are required to submit to Registrars by Section 56 of the Registration Regulation, shall also be sent through the Inspectors of Registration offices, who, after checking the same, shall pass them on with their notes of corrections to the District Registrar.

3. Every Inspector of Registration offices shall visit the several Sub-Registry offices within his Division, and examine the registers and other records therein as often as necessary.

4. The inspection shall be conducted by the officer himself aided by clerks when necessary; but clerks shall not be deputed to do such work independently of the officer.

5. These inspections shall embrace the whole range of work of Sub-Registrars and shall be mainly directed to detect for rectification all errors in registration, or in procedure, or otherwise in the general working of the provisions of the Registration Regulation and the Rules framed thereunder by Government from time to time. They shall also extend to the examination of the working of the office generally; and all acts of negligence, omissions, or doubtful practices, and any laxity or irregularity should also be noted and reported.

6. On each occasion of an inspection, the Inspector shall make a memorandum of all the points he may notice in the form prescribed by the Inspector General, and such "Notes of Inspection of Sub-Registrar's office" shall be submitted to the District Registrar who shall issue the necessary orders except in cases to be forwarded to the Inspector General; but no Inspector shall issue any such order direct to the Sub-Registrar.

7. Every Inspector shall submit once a year a note to the Inspector General embodying his opinion on the causes of fluctuations in registration of documents and his views in regard to the general progress of registration in his Division.

8. Every Inspector of Registration offices shall be subordinate to the Inspector General. The Inspector General will from time to time issue instructions in detail for the performance of the duties hereby prescribed to be done by every Inspector, fix the time and number of inspections of each office with due regard to the quantity of work to be examined, that is to say, the number of documents to be gone through, specify the work to be done during these inspections and enforce their strict performance by these officers.

9. All Inspectors shall conduct the inspection in accordance with the Departmental instructions that may be issued from time to time by the Inspector General under these Rules and the Rules framed under the provisions of Section 69 of the Registration Regulation.

By Order,

B. K. VENKATAVARADAIYENGAR,

Secy. to Govt., Gen. & Rev. Dept.